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Model Legislation for Users of Ionizing Radiation in the Healing Arts

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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

OFFICE OF REGIONAL OPERATIONS

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Copies of the "Directory of Personnel Responsible for Radiological Health Programs" may be obtained by writing to the Office of Regional Operations, Bureau of Radiological Health, 5600 Fishers Lane, Rockville, Maryland 20852.

	Title	
ORO 69-1 69-2	Directory of Personnel Responsible for Radiological Health Programs, January and July 1969. (Out of print)	
ORO 69-3	Report of State and Local Radiological Health Programs, Fiscal Year 1968	PB 188-262
ORO 69-4	Conference on Federal-State Implementation of Public Law 90-602, March 24-26, 1969. Montgomery, Alabama	PB 189-655
ORO 69-5	Radiation Sources in Secondary Schools. Report of a Limited Survey, 1969	PB 188-701
ORO 70-1	Directory of Personnel Responsible for Radiological Health Programs, February 1970 (out of print)	
ORO 70-2	State Radiation Control Legislation - 1969	PB 193-154
ORO 70-3	Directory of Personnel Responsible for Radiological Health Programs, July 1970	
ORO 70-4	Report of State and Local Radiological Health Programs, Fiscal Year 1969	PB 193-929
ORO 70-5	2nd Annual National Conference on Radiation Control, April 26-29, 1970, Palm Beach, Florida	
ORO 70-6	A Study of Selected Aspects of State Control of Radiation Hazards, September 1969	
ORO 70-7	An Evaluation of the Compatibility and Uniformity of State Regulations for the Control of Radiation, September 1969	
ORO 70-8	Model Legislation for Users of Ionizing Radiation in the Healing Arts	

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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service
Bureau of Radiological Health
Rockville, Maryland 20852

FOREWORD

The Public Health Service under the broad responsibility conferred by the Public Health Service Act, (42 U.S.C. 241 and 243) advises and promotes cooperation between the several States on matters relating to protecting the public against certain radiation hazards. The Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263b et seq.) further provides for the establishment by the Secretary of an electronic product radiation control program designed to protect the public health and safety. In carrying out this program, the Secretary is authorized to make such recommendations relating to such hazards and control as he considers appropriate.

Acting on these responsibilities, this Model Legislation was developed as a mechanism for establishing minimal educational and training requirements for all users of ionizing radiation in the healing arts. Its purpose is to promote reductions in population exposure to radiation through improvement in the technological qualifications of the professional practitioners and technical personnel in the use of equipment and materials for medical radiation applications.

Surgeon General
Public Health Service

PREFACE

This Model Legislation provides for certification of persons who apply, or supervise the application of ionizing radiation to human beings for diagnostic or therapeutic purposes. It establishes minimum standards for the education, training, and experience of these persons. It would require examinations for certifications to be administered to licensed practitioners at the professional level and others at the technical level. All persons, both professional and technical, would be required to demonstrate competence in all aspects of the procedures they perform or supervise, but not all need be qualified to undertake all procedures. It would establish separate Medical and Dental Radiologic Technology Boards of Examiners made up of licensed practitioners, radiologic technologists, and other qualified individuals to be appointed by the Governor.

Two alternative mechanisms are offered for the responsibilities of the boards in relationship to the regulatory or health agency:

Alternate I provides a partnership arrangement between the State health agency or other appropriate department and the board; primary responsibility is given to the boards to prepare and conduct examinations, approve courses of study, and issue, endorse, revoke or suspend certificates, permits or exemptions. The agency, however, has authority for promulgation of standards and regulations after consultation with the appropriate board. It is believed that this alternate permits an effective means of checks and balances between the two authorities and should be seriously considered.

In Alternate II, the agency serves as the instrument of the boards in implementation of the Act and regulations or standards pursuant to the Act. The final authority for approving regulations and standards, courses of study, and issuing certificates or permits rests with the boards. Although this lacks certain of the "checks and balances" of Alternate I, it may be more suitable for those jurisdictions which have professional regulatory boards currently conducting certification programs.

Because it is believed that every person in this field should be proficient in all aspects of the use he makes of ionizing radiation in the practice of medicine and dentistry, the Act would forbid application of ionizing radiation to a human being unless he is certified either by being granted a certificate or permit under the Act, or by being qualified under the exemptions available. It is recognized that dentistry, podiatry, and chiropractic will be in the category of limited certificates and permits.

A major purpose of the Model Legislation is to encourage the establishment of an internal regulatory framework for certification of users of ionizing radiation which is consistent among the States. It is recognized that States have developed various mechanisms and capabilities for the most effective administration of health and safety legislation. Therefore, the enforcement and certification may not be uniformly assigned in each of the 50 States. The Act is not intended to replace other legislation which provides authorization for the use of specific sources of ionizing radiation such as specific licensing requirements for the use of radioactive materials.

John C. Villforth
Director
Bureau of Radiological Health

ACKNOWLEDGMENT

The Office of Regional Operations gratefully acknowledges the advice and comments from representatives of the Conference of Radiation Control Program Directors, American Chiropractic Association, American College of Radiology, American Osteopathic Association, American Podiatry Association, American Radiography Technologists, American Society of Radiologic Technologists, and the Bureau of Radiological Health X-Ray Image Production and Related Facilities Advisory Committee* in the preparation of this model. However, this recognition of their contribution does not necessarily imply endorsement of all provisions of this model. In addition, we acknowledge the support, advice, and review of the Division of Medical Radiation, BRH, and the Office of Criteria and Standards, BRH.

James W. Miller, D.D.S.
Director
Office of Regional Operations

*Currently the Medical Radiation Advisory Committee

CONTENTS

	Page
FOREWORD	iii
PREFACE	v
ACKNOWLEDGMENT	vii
SECTIONS:	
1. TITLE	1
2. DECLARATION OF POLICY AND STATEMENT OF PURPOSE	1
3. DEFINITIONS - WHEN USED IN THIS ACT	1
4. RADIOLOGIC TECHNOLOGY BOARDS OF EXAMINERS	3
5. ALTERNATE I - POLICIES, STANDARDS, AND REGULATIONS	6
5. ALTERNATE II - POWERS OF THE BOARDS	8
6. CERTIFICATE OR PERMIT	9
7. APPLICATION FOR A GENERAL TECHNOLOGIC CERTIFICATE	11
8. MINIMUM REQUIREMENTS FOR RADIOLOGIC TECHNOLOGISTS	12
9. APPROVED COURSES OF STUDY FOR GENERAL TECHNOLOGIC CERTIFICATE	14
10. ISSUANCE, ENDORSEMENT, AND RENEWAL OF CERTIFICATES AND PERMITS	16
11. DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATES OR PERMITS	17
12. ALTERNATIVE QUALIFICATIONS FOR CERTIFICATION	19
13. ACTS PROHIBITED	20
14. DISPOSITION OF FEES	21
15. PENALTIES	21
16. HEARINGS AND JUDICIAL REVIEW	21
17. EFFECTIVE DATE	22
18. SEPARABILITY	22
APPENDIX	23

SECTION 1. TITLE

This Act may be cited as the "[to conform to State requirements]."

SECTION 2. DECLARATION OF POLICY AND STATEMENT OF PURPOSE

The Legislature finds and declares that the health and safety of the people of this State must be protected from excessive or improper exposure to ionizing radiation. It is the purpose of this Act to establish standards for education, training, and experience for persons who apply ionizing radiation to human beings and to prescribe means for assuring that these standards are met.

SECTION 3. DEFINITIONS - WHEN USED IN THIS ACT

A. Agency - means the State Department of Health or appropriate agency which shall be the division of government concerned with the administration of the [title of Act - Section 1].

B. Board - means the Medical Radiologic Technology Board of Examiners or the Dental Radiologic Technology Board of Examiners as appropriate.

C. Ionizing Radiation - means x-ray and gamma rays, alpha and beta particles, high speed electrons, neutrons and other nuclear particles.

D. Licensed Practitioner - means a person licensed or otherwise authorized by law to practice medicine, dentistry, osteopathy, chiropractic or podiatry.

E. Certified Licensed Practitioner - means a licensed practitioner who has been certified under the provisions of this Act to supervise the application of ionizing radiation and/or to apply ionizing radiation to human beings for diagnostic and/or therapeutic purposes; such certification may be general, or limited to specific areas of the body and/or procedures.

F. Supervision - means responsibility for, and control of, quality, radiation safety, and technical aspects of the applications of ionizing radiation to human beings for diagnostic and therapeutic purposes.

G. Radiologist - means a licensed practitioner of medicine or osteopathy who has undertaken a course of training equivalent, in the opinion of the Board to that required for admission to the examination of the American Board of Radiology or the American Osteopathic Board of Radiology.

H. Licensed Practitioner General Certificate - means a certificate issued in radiologic technology to a practitioner who supervises and/or applies ionizing radiation to any part of the human body.

I. Licensed Practitioner Limited Certificate - means a certificate issued in radiologic technology to a practitioner who supervises and/or applies ionizing radiation to specific areas of the human body.

J. Radiologic Technology - means the science and art of applying ionizing radiation to human beings for diagnostic or therapeutic purposes.

K. General Technologic Certificate - means a certificate issued in either radiologic technology, radiation therapy technology, or nuclear medicine technology to a person other than a licensed practitioner who applies ionizing radiation to any part of the human body while under the supervision of a certified licensed practitioner.

L. Radiologic Technologist - means a person other than a licensed practitioner who applies ionizing radiation to human beings for diagnostic or therapeutic purposes while under the supervision of a certified licensed practitioner.

M. Radiation Therapy Technologist - means a person other than a licensed practitioner who is responsible for the technical application of ionizing radiation to human beings for therapeutic purposes while under the supervision of a certified licensed practitioner.

N. Nuclear Medicine Technologist - means a person other than a licensed practitioner who is responsible for the technical application of radioactive materials to human beings for diagnostic and/or therapeutic purposes while under the supervision of a certified licensed practitioner.

O. Limited Technologic Permit - means a permit issued to a person other than a licensed practitioner who applies ionizing radiation to specific areas of the human body while under the supervision of a certified licensed practitioner.

P. Endorsement - means the approval of the qualifications of an applicant for a certificate or permit on the basis of a certificate or permit issued by another State or jurisdiction.

SECTION 4. RADIOLOGIC TECHNOLOGY BOARDS OF EXAMINERS

	Comments
A. There is hereby established the Medical Radiologic Technology Board of Examiners. This Board shall consist of 11 members, technically qualified by education, training or experience in radiology or radiologic technology or related fields, as follows:	*By reason of their responsibilities, physicians and dentists have the larger number of members represented in the boards, but no one group has a majority.*
Five physicians, at least three of whom shall be radiologists; three radiologic technologists; one licensed practitioner of the healing arts other than medicine or dentistry; one other person who shall be technically qualified or knowledgeable by training and experience in one or more fields of science or engineering applicable to radiation safety in the healing arts; and, the Agency Director or his designee, who shall serve as chairman.	*Since the Medical Board is concerned with classes other than physicians, the State Board of Medical Examiners is not a suitable agency.* *Limited responsibilities of the boards may be handled by means of a committee or subcommittee. (An example is the area of nuclear medicine.)* *This person should be a qualified Radiation or Health Physicist. Evidence of qualification should be certification by the American Board of Health Physics or American Board of Radiology.*

Comments

B. There is hereby established the Dental Radiologic Technology Board of Examiners. This Board shall consist of seven members, technically qualified by education, training or experience in dental radiology, or radiologic technology, as follows:

The Dental Board could be replaced by the State Board of Dental Examiners.

> Three dentists; one radiologist; one dental hygienist; one other person who shall be technically qualified or knowledgeable by training and experience in one or more fields of science or engineering applicable to radiation safety in the healing arts; and, the Agency Director or his designee, who shall serve as chairman.

This person should be a qualified Radiation or Health Physicist. Evidence of qualification should be certification by the American Board of Health Physics or American Board of Radiology.

C. The Governor shall, following recommendations from the appropriate professional State societies, appoint the members of the boards. Any person serving on the boards who is a practitioner of a profession or occupation required to be licensed or certified in this State shall be the holder of an appropriate license or certificate issued by the State, and, except in the case of those radiologic technologist members first appointed to the boards, radiologic technologist members shall be holders of certificates or permits issued pursuant to this Act.

D. Members of the Medical Radiologic Technology Board of Examiners shall serve for terms of six years, except that of the members first appointed, three shall serve for terms of two years, three shall serve for terms of four years, and four shall serve for terms of six years. Vacancies on this Board

Staggered terms are necessary to insure continuity.

The Agency Director or his designee shall serve as ex-officio.

Comments

shall be filled for the unexpired term in the same manner as original appointments.

E. Members of the Dental Radiologic Technology Board of Examiners shall serve for terms of six years, except that of the members first appointed, two shall serve for a term of two years, two shall serve for terms of four years, and two shall serve for terms of six years. Vacancies on this Board shall be filled for the unexpired term in the same manner as original appointments.

The Agency Director or his designee shall serve as ex-officio.

F. All members of the boards shall be legal residents of the State and shall have practiced for a minimum period of five years immediately preceding appointment.

G. The members of the boards shall be entitled to reimbursement of expenses incurred in attending meetings of the boards, and may receive compensation while otherwise engaged on the business of the boards.

This is due to the wide variation of makeup of income individuals sacrifice as a result of serving on the boards.

H. The agency shall appoint executive secretaries to the boards and shall furnish such other professional, technical, secretarial, and clerical assistance as the boards may require to carry out their functions.

I. A majority of each of the authorized boards shall constitute a quorum for the transaction of business, except that for the conduct of a hearing pursuant to Section 16 of this Act (three members designated by the chairman shall sit and have power to act). Each board shall meet at least twice a year, and at other times on the call of its chairman. A written and timely notice of the time, place, and

Comments

purpose of any special meetings shall be mailed by the Secretary of each board to all members of the appropriate board.

ALTERNATE I

SECTION 5. POLICIES, STANDARDS, AND REGULATIONS

A. The Director of the Agency is authorized, after consultation with the appropriate board [and after notice and public hearing], to prescribe such regulations and standards as may be needed to carry out the purposes of this Act. These shall include:

1. Minimum standards of education, training, and experience for licensed practitioners, and procedures for examining applicants for certification.

2. Minimum standards of training and experience for persons to be employed in the field of limited radiologic technology, and procedures for examining applicants for such limited technologic permits.

Basis for minimum standards for the general radiologic technologist are provided under Section 12.

3. Regulations identifying the types of applications of ionizing radiation in connection with therapy or diagnosis which may be safely performed by persons with limited preparation, and those minimum standards of education and training to be met by an applicant for a limited technologic permit.

B. The boards may propose to the Agency such standards or regulations as may be appropriate for carrying out the purpose of the Act.

Comments

C. The boards, with such assistance from the Agency as the boards may require, are authorized to:

1. Prepare examination questions and conduct oral and practical radiologic technologist examinations.

2. Approve courses of study in radiologic technology based upon standards established pursuant to this Act.

3. Conduct hearings pursuant to Section 16 of this Act.

4. Issue certificates to qualified licensed practitioners to supervise the application of ionizing radiation, or to apply ionizing radiation, or both. Such certification may be limited to the use of ionizing radiation for certain designated procedures and/or to the application of ionizing radiation to specifically designated areas of the human body.

Limited certificates apply to professional classes of people.

5. Issue general technologic certificates and limited technologic permits to qualified persons to be employed in the field of radiologic technology.

Limited technologic permits apply to technical classes of people.

6. Issue licensed practitioner general certificates and licensed practitioner limited certificates to those licensed practitioners who have received professional certification as the result of having successfully completed and passed a formal course of study and examination in roentgenology, radiologic technology and radiation protection approved by the board.

7. [For other considerations and possible provisions, see Appendix.]

Comments

D. The boards are authorized to accept, on a reimbursable basis or otherwise, such assistance as they may request.

ALTERNATE II

SECTION 5. POWERS OF THE BOARDS

A. The boards shall, with such assistance from the Agency as the boards may require:

1. Prepare examination questions and conduct oral and practical examinations, required under the provisions of this Act.

2. Grant approval of courses of study in radiologic technology deemed capable of training persons to qualify for certificates granted under the provisions of this Act.

3. Approve regulations to be issued pursuant to this Act prior to their promulgation, including regulations identifying the types of applications of ionizing radiation in connection with therapy or diagnosis which may be safely performed by persons with limited preparation, and those minimum standards of education and training to be met by an applicant for a limited permit.

Authority to promulgate regulations may be delegated if necessary.

4. Conduct hearings pursuant to Section 16 of this Act.

5. Develop minimum standards of education, training, and experience for licensed practitioners and develop procedures for examining applicants for certification.

6. Develop minimum standards of training and experience for persons

Comments

to be employed in the field of limited radiologic technology, and develop procedures for examining applicants for such limited technologic permits.

7. Issue certificates to qualified licensed practitioners to supervise the application of ionizing radiation, or to apply ionizing radiation, or both. Such certification may be limited to the use of ionizing radiation for certain designated procedures and/or to the application of ionizing radiation to specifically designated areas of the human body.

Limited certificates apply to professional classes of people.

8. Issue general technologic certificates and limited technologic permits to qualified persons to be employed in the field of radiologic technology.

Limited technologic permits apply to technical classes of people.

9. Issue licensed practitioner general certificates and licensed practitioner limited certificates to those licensed practitioners who have received professional certification as the result of having successfully completed and passed a formal course of study and examination in roentgenology, radiologic technology and radiation protection approved by the board.

10. [For other considerations and possible provisions, see Appendix.]

B. The boards are authorized to accept, on a reimbursable basis or otherwise, such assistance as they may request.

SECTION 6. CERTIFICATE OR PERMIT

A. It shall be unlawful for any person to apply ionizing radiation to a human being, or supervise the

When a nonradiologist practitioner registers a new installation he will declare what examinations he

	Comments
application of ionizing radiation to a human being unless he has been granted a certificate or a permit, or exempted pursuant to the appropriate provisions of this Act.	*intends to perform. He will then be required to qualigy himself by examination as competent to supervise or operate or both in the areas he has selected. His technologist should be similarly qualified.*
B. A licensed practitioner who is certified by an examining authority in radiology recognized by the appropriate board may be granted a certificate to apply or supervise the application of ionizing radiation in the diagnosis, treatment of disease and injury in human beings.	
C. A licensed practitioner who prior to the effective date of this Act applied or supervised the application of ionizing radiation possessed by a person or persons properly registered or licensed by the Agency as a possessor of such a source of ionizing radiation shall be granted a certificate by the appropriate board, to continue such operation or supervision.	*This provision permits a gradual transition to the full implementation of this Act with minimal disruption of essential medical services.*
D. Certificates or permits shall not be required of:	
1. A resident or intern in training who is applying radiation in the course of diagnosing or treating patients.	
2. A student enrolled in and attending an approved school for radiologic technologists, medicine, osteopathy, podiatry, dentistry, or chiropractic, who as part of his course of study, applies ionizing radiation to a human being while under the direct supervision of a person licensed or certified to practice one of the aforesaid professions.	

Comments

3. A person temporarily exempted as provided in this Act.

4. A person acting in the course of his employment in a facility operated by an agency of the United States Government.

SECTION 7. APPLICATION FOR A GENERAL TECHNOLOGIC CERTIFICATE

A. A general technologic certificate shall be issued only on application and examination, or endorsement of a certificate issed by another State or jurisdiction as provided in Section 10.

B. An application for a general technologic certificate shall be on a form approved by the appropriate board and shall include:

1. The name and address of the applicant.

2. Evidence that the applicant is at least 18 years of age, a high school graduate or its equivalent, and is of good moral character.

3. Evidence that the applicant has successfully completed an approved course of study of at least two years' duration in radiologic technology, or is enrolled in a schoo' six months prior to the effective date of this Act, or prior to (July 1, 1966) has successfully completed a course in radiologic technology of less than two years' duration if, at the time of the applicant's graduation, a professional or technical society or organization which the appropriate board fi:ds to have had a reliable accrediting program recognized the course as satisfactory.

July 1, 1966 is the date after which the American Registry of Radiologic Technologists required all applicants to have completed a 2-year course of study.

Comments

4. Evidence that the applicant is free from any physical, or mental impairment or disease which would interfere with his performance in radiologic technology or constitute a danger to the health and safety of patients.

5. Such additional information as the boards may require.

C. Evidence of instruction, training, and experience in the application of ionizing radiation to the human body received by an applicant while in the uniformed services of the United States can be submitted by the applicant in lieu of all or part of the evidence of educational qualifications required in Item 3 of Subsection B of this Section, and shall be evaluated by the appropriate board to determine whether and to what extent it meets the requirements of Section 6B.3.

D. Upon the filing with the Agency of a completed application accompanied by a $_____fee, and verification of the accuracy and sufficiency of the information contained therein, an applicant shall be entitled to admission to the examination described in Section 7 of this Act.

SECTION 8. MINIMUM REQUIREMENTS FOR RADIOLOGIC TECHNOLOGISTS

A. All applicants for a general technologic certificate as a radiologic technologist shall be required to pass an examination including, but not limited to, the following subjects: radiation physics, radiological techniques, anatomy and physiology, and radiation protection.

Comments

B. All applicants for a general technologic certificate as a radiation therapy technologist shall be required to pass an examination including, but not limited to, the following subjects: nursing procedures, mathematics, radiation physics, physical concepts of radiation therapy, fundamentals of radiobiology, radiation protection, and shielding.

C. All applicants for a general technologic certificate as a nuclear medicine technologist shall be required to pass an examination including, but not limited to, the following subjects: mathematics, radiation physics, interaction of radiation with matter, interaction of radiation with physiological systems, radiation units, radiation protection and shielding instrumentation, clinical laboratory equipment and procedures, records, and administrative procedures.

D. All applicants for a limited technologic permit shall be required to pass an examination including, but not limited to, such fundamental requirements in basic radiological health training similar to those required for applicants for a general technologic certificate.

The training and knowledge necessary to obtain a limited technologic permit should not be as stringent as is necessary to obtain a general certificate, but should include all questions given for a general technologic certificate that pertain to the specific procedures in question.

E. The boards shall hold an examination at least once every _____ months at such times and places as it may determine, for applicants for certificates or permits issued under the provisions of this Act.

An examination should be conducted at least every six months.

F. Examinations shall include a written portion but may also include practical and oral portions. Following each examination, the

Comments

papers and the practical and oral examinations, if any, shall be graded and the standing of each applicant shall be recorded. The appropriate board shall either pass or fail each applicant, in accordance with his performance on the examination. Such performance shall be judged on the basis of the achievement of a minimum examination score, determined by the appropriate board.

G. An applicant who fails to pass the examination may apply for a second examination. A fee of $_____ shall be charged for the second and for any subsequent examination. However, no applicant may take the examination more than twice within any two year period without special permission from the appropriate board.

H. The appropriate board may accept, in lieu of its own examination, evidence of satisfactory performance in an examination given by an appropriate organization or testing service; provided that the board finds such organization or service to be competent to examine applicants in the field of radiologic technology.

SECTION 9. APPROVED COURSES OF STUDY FOR GENERAL TECHNOLOGIC CERTIFICATE

The provisions of this Section shall be applicable to training in preparation for the General Technologic Certificate:

1. The Medical Radiologic Technology Board shall approve courses of study in radiologic technology. For the purposes of this Act, no course shall be deemed

Comments

approved unless the approval has been granted pursuant to this Section or, if the course is offered by an institution in another State or jurisdiction, the approval is by a public officer or body employing standards of investigation and judgment substantially equal to those employed by the board.

2. The Agency shall compile and keep current a list of approved courses and shall publish the list and any revisions in convenient form, so that it may be available to the public.

3. As a condition precedent to approval or continuing approval, the Agency may inspect and otherwise require relevant information to be furnished by an institution or person offering a course of study in radiologic technology.

4. The [Agency] (Alternate I selected) [Medical Radiologic Technology Board] (Alternate II selected) shall issue, and may from time to time amend and revise regulations relating to the character, content, instructional staff, facilities, equipment and administration of courses of study in radiologic technology. The Board shall approve any course of study which meets standards as set forth in regulations pursuant to this Act.

See Section 5 for Alternates I and II.

5. An approved course of study may be operated by a medical or educational institution, or other public or private agency or institution, and for the purpose of providing the requisite clinical experience shall be affiliated with one or more hospitals that, in the opinion of the Medical Radiologic Technology Board provide satisfactory clinical experience.

Comments

parts of the human body to which it applies or the procedures to which it applies, and the holder shall be authorized only to apply ionizing radiation to those parts of the human body or to employ only the procedures specified therein. A person who has met the requirements of Section 7B., or Section 7C. of this Act, and is otherwise qualified for certification shall receive a general technologic certificate.

C. A certificate or permit may be renewed or reissued upon application to the Agency accompanied by a fee of $_____. However, renewal may be denied if the appropriate board finds that the applicant therefor has committed any act or omission which would constitute grounds for denial of an original certificate or permit, or suspension or revocation of the certificate or permit. Upon request, an applicant whose application for renewal has been denied shall be entitled to a hearing in the same manner provided in Section 11 hereof, for suspensions and revocations.

See Appendix C for consideration of provisions requiring certified users to maintain their qualifications through refresher training.

D. Certificates or permits which have expired may be reissued in the same manner as for renewal, within (five) years from the date of expiration. A certificate or permit which has been expired for more than (five) years may be certified or endorsed only in the manner provided for an original certificate, permit, or endorsement.

SECTION 11. DENIAL, SUSPENSION, OR REVOCATION OF CERTIFICATES AND PERMITS

A. The appropriate board shall suspend or revoke a certificate or permit for any violation of this Act or for a physical or

Comments

mental condition which would impair ability to perform radiologic technology or otherwise constitute a hazard to the health or safety of patients.

B. Before a certificate or permit is suspended, due notice shall be given the holder unless the board finds that immediate suspension of the certificate or permit is required to protect health or safety. If a certificate or permit has been suspended or revoked, or notice of suspension or revocation thereof has been received, the holder of such certificate or permit shall, upon written request [as provided in the regulations] be entitled to a hearing before the appropriate board, in the manner provided in Section 16 of this Act.

C. In addition to any grounds provided elsewhere in this Act, the following shall be grounds for denial, suspension, or revocation of a certificate, permit, or endorsement:

1. Conviction, either within or without this State of a crime involving moral turpitude, or a crime carrying a penalty of imprisonment for more than one year.

2. Addiction to the use of alcohol, narcotics, or other drugs having similar effect.

D. If the appropriate board is furnished with the recommendation of either the court which imposed or suspended sentence or the parole or probation authority having a person under surveillance or having discharged him from surveillance, that such person has responded to correctional and rehabilitative

Comments

processes to a degree which might warrant waiver of the provisions imposed by Section 11C.1., the appropriate board can, at its discretion, take no action pursuant to Section 11C.

SECTION 12. ALTERNATIVE QUALIFICATIONS FOR CERTIFICATION

A. Any person who is the holder of a current certificate or permit in radiologic technology issued by another State, jurisdiction, or agency within the United States may, upon presentation of the certificate to the appropriate board, and payment of a fee of $_____, be entitled to have his certificate or permit endorsed and a new certificate or permit issued for the practice of radiologic technology in this State, provided that the [Agency] (Alternate I selected) [Board] (Alternate II selected) finds that the standards and procedures for certification in the State or jurisdiction which issued the certificate or permit afford protection to the public equivalent to that afforded by the standards and procedures adopted pursuant to this Act.

See Section 5 for Alternates I and II

B. Within (two) years from the effective date of this Act, the Medical Radiologic Technology Board may issue a general technologic certificate to any person who is of good moral character and:

1. Has been engaged in the practice of radiologic technology for at least (two) of the (ten) years immediately preceding application for certification, and who passes an examination given by the Board.

This provision permits a gradual transition to the full implementation of this Act with minimal disruption of necessary medical services. Radiologic Technologists who are not certified by organizations other than the State, but which can demonstrate competence are effectively utilized.

2. Has been certified by a professional or technical society or organization issuing certificates evidencing qualification to practice radiologic technology, provided that the Board recognizes the society or organization and its certificating procedures as appropriate and sufficient to determine qualifications for radiologic technologists, radiation therapy technologists or nuclear medicine technologists.

Comments

This provision provides reciprocity between recognized certifying agencies, and promotes uniformity.

C. The fee required to accompany an application made pursuant to this Section shall be the same as for an application made pursuant to Section 7 of this Act.

SECTION 13. ACTS PROHIBITED

No person shall:

1. Engage in fraud or deceit, or make any material misrepresentation or misstatement of fact on or in connection with an application for a certificate or permit.

2. Aid or abet any violation of this Act.

3. Falsely represent himself as a holder of a certificate or permit to practice radiologic technology or as a licensed practitioner of the healing arts.

4. Knowingly employ any person as a radiologic technologist, radiation therapy technologist or nuclear medicine technologist or permit such person to apply ionizing radiation to a human being, unless such person is the holder of a valid certificate or permit issued pursuant to this Act.

SECTION 14. DISPOSITION OF FEES

Comments

All fees collected pursuant to this Act shall be paid into the:

Alternate 1. [General Fund of the State Treasury.]

Alternate 2. [State Treasury to the account of the Agency and may be used to defray costs incurred in the administration of this Act.]

SECTION 15. PENALTIES

In addition to any other penalty or remedy pursuant to this Act, any violation of this Act or of regulations in force pursuant thereto shall be punishable by a fine of not to exceed $_____, a term of imprisonment not to exceed (one) year, or both.

SECTION 16. HEARINGS AND JUDICIAL REVIEW

A. Hearings for a suspension or revocation of a certificate or permit shall be held before the appropriate board. The Agency shall provide the boards with legal counsel for such hearing. Procedures therefor shall be in accordance with (cite appropriate departmental hearing statute).

If special procedures are desired, they should be provided in this paragraph.

B. The appropriate board shall either suspend or revoke the certificate or permit or find in favor of the holder of a certificate or permit. The action of the appropriate board shall be in the form of a written order and shall include the reasons therefor.

Comments

C. Any action of the boards taken pursuant to this Act or any regulations in force pursuant hereto shall be subject to review (in the manner provided in the State Administrative Procedure Act and by a proceeding in the _____ Court).

SECTION 17. EFFECTIVE DATE

This Act shall take effect (18) months after the date of its enactment except that the initial members of the boards shall be appointed at least (12) months prior to such date, and the Agency may immediately take such steps as may be necessary for this Act to become fully effective on such date.

The delay will permit training institutions within the State necessary time to adjust, and for the establishment of new schools.

SECTION 18. SEPARABILITY

If any clause, sentence, paragraph, section, or part of this Act shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which the judgment shall have been rendered.

APPENDIX

Other Considerations

A. Hardship Provisions

Because of problems unique to certain States or jurisdictions, it may be necessary to add, delete or modify provisions set forth in this Model. For example, in certain localities where substantial evidence exists which demonstrates that adequate medical services cannot be provided prior to the effective date of the Act, it may be necessary to either extend the effective date in those jurisdictions or authorize a temporary exemption. This may be recognized by the addition of the following subparagraph to Section 5:

> "Issue, upon recommendation from the Agency, and upon individual application, special permits to persons, exempting such persons from the specific provisions of this Act or the rules and regulations issued thereunder, if the Board finds to its satisfaction that there is substantial evidence that the people in the locality of this State, in which such exemption is sought, would be denied adequate medical care because of unavailability of certified licensed practitioners or persons holding general certificates under this Act. Such special permits shall be granted for limited periods of time to be prescribed by the appropriate board in accordance with the purposes of this Act, and such permits may be renewed for cause."

B. Temporary Permits

Consideration should be given to the frequency of examinations offered by the boards, and the affect of such frequency on employment of persons who have fulfilled the educational and training requirements, but have not had the opportunity to take the examination. In those jurisdictions in which there is a period of several months between examinations, it may be desirable to issue temporary permits. The following paragraph may be added to Section 5:

> "Issue, upon recommendation from the Agency, a temporary permit to practice radiologic technology to any applicant for certification who has complied with the provisions of this Act and is awaiting examination. A temporary permit shall convey the same rights as a certificate for a period for which it is issued in the classification for which the applicant is eligible, and shall be valid until he has been informed of the results of his examination held under the provisions of this Act, except that if the applicant does not take such examination the permit shall expire on the date of such examination, and such temporary permit may not be renewed."

C. Refresher Training

It should be noted that this Model legislation contains no provisions requiring certified users of radiation in the healing arts to maintain their qualifications. Frequently, State professional societies, such as the medical, dental, and technological societies promote refresher training among their members by a variety of techniques. Such efforts, generally, however, are not sufficient to maintain their knowledge in the light of rapidly changing technology. Consideration may be needed, therefore, for an appropriate mechanism in the Act. For example, the following provisions may be added to Section 5:

> "Establish standards and regulatory mechanisms to require applicants for renewal of a certificate, permit, or endorsement to attend refresher courses, seminars, or other functions that would keep them current in the practice of their profession."

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